

AMENDED IN SENATE APRIL 21, 2004

**SENATE BILL**

**No. 1915**

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**Introduced by Committee on Business and Professions (Senators Figueroa (Chair), Brulte, Cedillo, Machado, Murray, and Vincent)**

March 17, 2004

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An act to amend Sections 144, 7069, 7090.1, ~~7139.2~~, and 7153.1 of the Business and Professions Code, relating to contractors, ~~making an appropriation therefor~~, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1915, as amended, Committee on Business and Professions. Licensure and regulation.

Existing law, the Contractors' State License ~~Board Law~~, creates the Contractors' State License ~~Law~~ Board and makes it responsible, through its registrar, for the licensure and regulation of contractors. Under this law, a licensure applicant is required, effective July 1, 2004, to submit a set of fingerprints for the board to obtain criminal history information from the Department of Justice and the United States Federal Bureau of Investigation. This law provides for the automatic suspension of a license for specified causes and for its automatic revocation within one year if the license is not reinstated during that period. ~~The law also creates the Construction Management Education Account that consists of contributions made by licensees to be used for the purpose of construction management education. The law specifies that the funds in the account are available for expenditure upon appropriation by the Legislature.~~

This bill would require the board to obtain a licensure applicant's criminal history information from the Department of Justice only if sufficient funds are available to the board and department for this purpose. The bill would also change the period in which a suspended license may be reinstated from one year to 90 days, providing for its automatic revocation if not reinstated during the 90-day period. ~~The bill would continuously appropriate the funds in the account for specified purposes of the Contractors' State License Law, thereby making an appropriation.~~

The bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: *yes no*. Fiscal committee: *yes*. State-mandated local program: *no*.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 144 of the Business and Professions
- 2 Code is amended to read:
- 3 144. (a) Notwithstanding any other provision of law, an
- 4 agency designated in subdivision (b) shall require an applicant to
- 5 furnish to the agency a full set of fingerprints for purposes of
- 6 conducting criminal history record checks. Any agency
- 7 designated in subdivision (b) may obtain and receive, at its
- 8 discretion, criminal history information from the Department of
- 9 Justice and the United States Federal Bureau of Investigation.
- 10 (b) Subdivision (a) applies to the following:
- 11 (1) California Board of Accountancy.
- 12 (2) State Athletic Commission.
- 13 (3) Board of Behavioral Sciences.
- 14 (4) Court Reporters Board of California.
- 15 (5) State Board of Guide Dogs for the Blind.
- 16 (6) California State Board of Pharmacy.
- 17 (7) Board of Registered Nursing.
- 18 (8) Veterinary Medical Board.
- 19 (9) Registered Veterinary Technician Committee.
- 20 (10) Board of Vocational Nursing and Psychiatric Technicians.
- 21 (11) Respiratory Care Board of California.
- 22 (12) Hearing Aid Dispensers Advisory Commission.
- 23 (13) Physical Therapy Board of California.



1 (14) Physician Assistant Committee of the Medical Board of  
2 California.

3 (15) Speech-Language Pathology and Audiology Board.

4 (16) Medical Board of California.

5 (17) State Board of Optometry.

6 (18) Acupuncture Board.

7 (19) Cemetery and Funeral Bureau.

8 (20) Bureau of Security and Investigative Services.

9 (21) Division of Investigation.

10 (22) Board of Psychology.

11 (23) The California Board of Occupational Therapy.

12 (24) Structural Pest Control Board.

13 (25) Contractors' State License Board.

14 (26) Bureau of Naturopathic Medicine.

15 (c) The provisions of paragraph (24) of subdivision (b) shall  
16 become operative on July 1, 2004. The provisions of paragraph  
17 (25) of subdivision (b) shall become operative on July 1, 2004,  
18 only if sufficient funds are available for the Contractors' State  
19 License Board and the Department of Justice to conduct a criminal  
20 history record check pursuant to this section.

21 SEC. 2. Section 7069 of the Business and Professions Code  
22 is amended to read:

23 7069. (a) An applicant and each officer, director, partner,  
24 associate, and responsible managing employee thereof, shall not  
25 have committed acts or crimes that are grounds for denial of  
26 licensure under Section 480.

27 (b) As part of an application for a contractor's license, the  
28 board shall require an applicant to furnish a full set of fingerprints  
29 for purposes of conducting a criminal history record check.  
30 Fingerprints furnished pursuant to this subdivision shall be  
31 submitted in an electronic format if readily available. Requests for  
32 alternative methods of furnishing fingerprints are subject to the  
33 approval of the registrar. The board shall use the fingerprints  
34 furnished by an applicant to obtain criminal history information on  
35 the applicant from the Department of Justice and the United States  
36 Federal Bureau of Investigation, and the board may obtain any  
37 subsequent arrest information that is available. This subdivision  
38 shall become operative on July 1, 2004, only if sufficient funds are  
39 available for the board and the Department of Justice to conduct  
40 a criminal history record check pursuant to this subdivision.

1 SEC. 3. Section 7090.1 of the Business and Professions Code  
2 is amended to read:

3 7090.1. (a) (1) Notwithstanding any other provisions of law,  
4 the failure to pay a civil penalty, or to comply with an order of  
5 correction or an order to pay a specified sum to an injured party in  
6 lieu of correction once the order has become final, shall result in  
7 the automatic suspension of a license by operation of law 30 days  
8 after noncompliance with the terms of the order.

9 (2) The registrar shall notify the licensee in writing of the  
10 failure to comply with the final order and that the license shall be  
11 suspended 30 days from the date of the notice.

12 (3) The licensee may contest the determination of  
13 noncompliance within 15 days after service of the notice, by  
14 written notice to the registrar. Upon receipt of the written notice,  
15 the registrar may reconsider the determination and after  
16 reconsideration may affirm or set aside the suspension.

17 (4) Reinstatement may be made at any time following the  
18 suspension by complying with the final order of the citation. If no  
19 reinstatement of the license is made within 90 days of the date of  
20 the automatic suspension, the cited license and any other  
21 contractors' license issued to the licensee shall be automatically  
22 revoked by operation of law for a period to be determined by the  
23 registrar pursuant to Section 7102.

24 (5) The registrar may delay, for good cause, the revocation of  
25 a contractor's license for failure to comply with the final order of  
26 the citation. The delay in the revocation of the license shall not  
27 exceed one year. When seeking a delay of the revocation of his or  
28 her license, a licensee shall apply to the registrar in writing prior  
29 to the date of the revocation of the licensee's license by operation  
30 of law and state the reasons that establish good cause for the delay.  
31 The registrar's power to grant a delay of the revocation shall expire  
32 upon the effective date of the revocation of the licensee's license  
33 by operation of law.

34 (b) The cited licensee shall also be automatically prohibited  
35 from serving as an officer, director, associate, partner, or  
36 qualifying individual of another licensee, for the period  
37 determined by the registrar, and the employment, election, or  
38 association of that person by a licensee shall constitute grounds for  
39 disciplinary action. Any qualifier disassociated pursuant to this  
40 section shall be replaced within 90 days of the date of

1 disassociation. Upon failure to replace the qualifier within 90 days  
2 of the prohibition, the license of the other licensee shall be  
3 automatically suspended or the qualifier's classification removed  
4 at the end of the 90 days.

5 ~~SEC. 4. Section 7139.2 of the Business and Professions Code~~  
6 ~~is amended to read:~~

7 ~~7139.2. (a) There is hereby created the Construction~~  
8 ~~Management Education Account (CMEA) as a separate account in~~  
9 ~~the Contractors' License Fund. Notwithstanding Section 13340 of~~  
10 ~~the Government Code or any other provision of law, the funds in~~  
11 ~~the account are continuously appropriated without regard to fiscal~~  
12 ~~year, for the purposes of this article.~~

13 ~~(b) The Contractors' State License Board shall allow a~~  
14 ~~contractor to make a contribution to the Construction Management~~  
15 ~~Education Account at the time of the contractor license fee~~  
16 ~~payment. The license fee form shall clearly display this alternative~~  
17 ~~on its face and shall clearly inform the licensee that this provision~~  
18 ~~is a contribution to the Construction Management Education~~  
19 ~~Account and is in addition to the fees.~~

20 ~~(c) The board may accept grants from federal, state, or local~~  
21 ~~public agencies, or from private foundations or individuals, in~~  
22 ~~order to assist it in carrying out its duties, functions, and powers~~  
23 ~~under this article. Grant moneys shall be deposited into the~~  
24 ~~Construction Management Education Account.~~

25 ~~SEC. 5.~~

26 ~~SEC. 4. Section 7153.1 of the Business and Professions Code~~  
27 ~~is amended to read:~~

28 ~~7153.1. (a) The home improvement salesperson shall submit~~  
29 ~~to the registrar an application in writing containing the statement~~  
30 ~~that he or she desires the issuance of a registration under the terms~~  
31 ~~of this article.~~

32 ~~The application shall be made on a form prescribed by the~~  
33 ~~registrar and shall be accompanied by the fee fixed by this chapter.~~

34 ~~(b) The registrar may refuse to register the applicant under the~~  
35 ~~grounds specified in Section 480.~~

36 ~~(c) As part of an application for a home improvement~~  
37 ~~salesperson, the board shall require an applicant to furnish a full~~  
38 ~~set of fingerprints for purposes of conducting criminal history~~  
39 ~~record checks. Fingerprints furnished pursuant to this subdivision~~  
40 ~~shall be submitted in an electronic format where readily available.~~

1 Requests for alternative methods of furnishing fingerprints are  
2 subject to the approval of the registrar. The board shall use the  
3 fingerprints furnished by an applicant to obtain criminal history  
4 information on the applicant from the Department of Justice and  
5 the United States Federal Bureau of Investigation, including any  
6 subsequent arrest information available. This subdivision shall  
7 become operative on July 1, 2004, only if sufficient funds are  
8 available to the board and the Department of Justice to conduct a  
9 criminal history record check pursuant to this subdivision.

10 ~~SEC. 6.~~

11 *SEC. 5.* This act is an urgency statute necessary for the  
12 immediate preservation of the public peace, health, or safety  
13 within the meaning of Article IV of the Constitution and shall go  
14 into immediate effect. The facts constituting the necessity are:

15 In order for the Contractors' State License Board to continue to  
16 adequately and properly ensure the protection of the public in its  
17 licensure and regulation of contractors, it is necessary that this act  
18 take effect immediately.

